

**NATIONAL
INDIAN
GAMING
COMMISSION**

OCT 9 1996

Nelis S. Captain
First Chief
Eastern Shawnee Tribe of Oklahoma
P.O. Box 350
Seneca, MO 64865

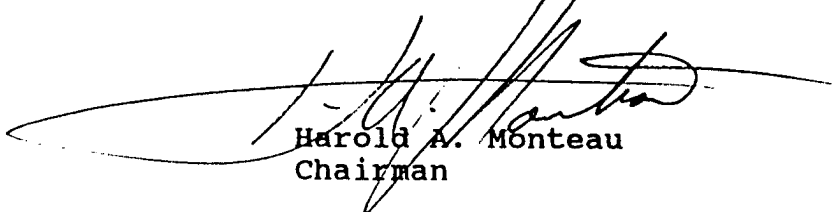
Dear Chief Captain:

This letter responds to your request to review and approve the amendment to the tribal gaming ordinance of the Eastern Shawnee Tribe of Oklahoma (Tribe). The amendment to the ordinance was adopted by the Tribe by Resolution No. 62596-1 on June 25, 1996. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review amendments to ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations.

Thank you for submitting the amendment to the tribal gaming ordinance of the Eastern Shawnee Tribe of Oklahoma. The NIGC staff and I continue to look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,



Harold A. Monteau
Chairman



EASTERN SHAWNEE TRIBE OF OKLAHOMA

P.O. Box 350 • Seneca, MO 64865 • (918) 666-2435 • FAX (918) 666-3325

AUG 19 1996

RESOLUTION

RESOLUTION NUMBER 62596-1

GAMING CODE AMENDMENT NO. 1

- WHEREAS,** the Eastern Shawnee Tribe of Oklahoma is an "Indian Tribe" as that term is defined in the Indian Gaming Regulatory Act, 25 U.S.C. § 2703(5),
- WHEREAS,** the Business Committee of the Eastern Shawnee Tribe of Oklahoma Tribe is generally responsible for the general welfare, health, education, and economic development of the members of the Tribe and their land, including raising revenues through gaming activities needed to carry out these responsibilities, and
- WHEREAS,** the Indian Gaming Regulatory Act authorizes Tribes, under certain conditions, to license and regulate Class III gaming activities, on Indian lands, owned by any person or entity other than the Indian Tribe, and
- WHEREAS,** the Business Committee of the Eastern Shawnee Tribe of Oklahoma has determined that it is in the best interests of the Tribe to amend the Eastern Shawnee Gaming Code of December 7, 1994 to permit the Tribe to license and regulate Class III gaming activities, on Indian lands, owned by a person(s) or entity(ies) other than the Tribe,

NOW THEREFORE BE IT RESOLVED, that the Tribe hereby adopts and enacts Amendment No. 1 to the Eastern Shawnee Gaming Code of December 7, 1994, as follows:

1. The second sentence of Section 1002 is amended to read:

Class III gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. § 2703(8), and by regulations promulgated by the National Indian Gaming Commission, is authorized only to the extent allowed by such law and pursuant to an approved Tribal-State Compact, if such a compact is required by Federal law.

2. Section 1003 is amended to read:

Except as provided in section 1036, the Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance.

3. Section 1007 D is amended to read:

The Tribe shall review a person's prior activities, criminal record, if any, and reputation, habits, and eligibility of a key employee or primary management official for employment in a gaming operation. If the Tribe determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a Tribal or individually owned gaming operation shall not employ that person in a key employee or primary management official position.

4. Section 1012 is amended to read:

A. Gaming Commissioner may be removed from office by a vote of five (5) or more of the Business Committee in a regular or Special meeting if he/she is convicted of any felony or crime involving dishonesty in a court of law or is found guilty of moral turpitude, gross neglect of duty, malfeasance in office, or misconduct reflecting on the dignity and integrity of the Tribal government.

5. Section 1016 C is amended to read:

Design and describe procedures to issue Tribal licenses to primary management officials, key employees, and individually owned gaming operation.

6. Section 1018 A is amended to read:

In adopting, amending or repealing any regulations under this code, the Gaming Commissioner shall give a minimum of five (5) days notice of proposed regulations changes to all key employees, primary management officials, the chief executive officer of any individually owned gaming operation, and the members of the Business Committee and the Chief.

7. The first, second and third sentences of Section 1020 are amended to read:

Except as provided in paragraph G of this section, the Gaming Commissioner shall have the right to immediately suspend any licensee, employee, or participant in gaming for violation of any Tribal Regulations, Tribal Compact, Tribal Ordinance, Federal Regulations or Federal Law. Such suspension shall be for a

period of not more than ninety (90) days for licensees or employees and not more than two (2) years for participants in gaming. An individual licensee or employee who has had his/her license suspended by the Gaming Commissioner shall:

8. Section 1020 A is amended to read:

Be entitled to a hearing before the Gaming Commissioner within fourteen (14) days of the suspension and shall be provided with written notice at least ten (10) days prior to the hearing date. The notice shall contain the date, time and place of the hearing and shall also contain a concise statement of the alleged violation and the specific facts concerning the alleged violation.

9. Section 1020 E is amended to read:

Following the hearing, the Gaming Commissioner shall issue in writing an order regarding the subject within seven (7) days, or the matter shall be deemed dismissed. A final suspension order shall be made if, upon examination of all of the evidence presented, the Gaming Commissioner has reasonable cause to believe that an individual licensee or employee has violated any Tribal Regulations, Tribal Compact, Tribal Ordinance, Federal Regulations or Federal Law. If the Gaming Commissioner determines that there is not reasonable cause to believe that an individual licensee or employee has committed a violation, the individual licensee or employee shall be reinstated immediately and shall receive the compensation for the period during which he/she was suspended. If a suspension order is made which he/she would have received, it shall state:

1. The specific violation of law or regulation of the subject, and
2. The suspension period imposed, stating the beginning date and the concluding date of the suspension.

10. A new section 1020 G is added and shall read:

Whenever the Gaming Commissioner has reasonable cause to believe that a licensed individually owned Class III gaming operator has violated Tribal Regulations, Tribal Compact, Tribal Ordinance, Federal Regulations or Federal Law, the Gaming Commissioner shall describe his findings in a report to the Business Committee that includes a statement of the alleged violation, a detailed statement of the basis for the Gaming Commissioner's conclusion that a violation has occurred, a detailed statement of the gaming operator's response to the allegation that a violation has occurred, and recommendations for appropriate corrective action. The Business Committee shall independently review the circumstances giving rise to the Gaming Commissioner's conclusion and, after providing the gaming operator the opportunity to appear in person, or through a representative, before the Business Committee to respond to the allegation that a

violation has occurred, including the presentation of any pertinent documentary or witness evidence, shall determine whether a violation warranting corrective action has occurred and, if so, shall approve the appropriate corrective action.

11. Section 1021 is amended to read:

All persons subject to a suspension order shall be excluded from the gaming enterprise during such period of suspension. The Gaming Commissioner shall have the authority to direct gaming enterprise security to enforce the exclusion of any person suspended pursuant to the terms of Section 1020.

12. Section 1032 B is amended to read:

The Commissioner shall review any background check report issued to the Tribe. The Commissioner shall share any information revealed by such checks to the manager of the Tribal or individually owned gaming hall(s) which in the Commissioner's judgment affects the consideration of an individual for employment.

13. Section 1035 B is amended to read:

Such licenses shall be issued when the results of background investigations are available to the Commissioner and such reports indicate that the individual is of appropriate character to participate in a Tribal or individually owned gaming enterprise.

14. Section 1035 C is amended to read:

The Commissioner may assess such license fee as may be necessary to defray the Commissioner's costs in securing a background investigation and issuing any license.

15. A new section 1036 is added and shall read:

Licensing and Regulating Non-Tribally Owned Class III Gaming

A. Authority to License and Regulate

The Tribe may license and regulate a Class III gaming operation on Indian lands that is owned by a person or entity other than the Tribe.

B. License Requirements

1. Whenever the Tribe licenses an individually owned Class III gaming operation on Indian lands of the Tribe, the Tribe, in addition to any

applicable licensing requirements provided in this Ordinance and any Regulations promulgated pursuant thereto, shall impose upon the licensee of such gaming operation such other licensing requirements as may be necessary to assure that the Tribe's licensing requirements are in the aggregate at least as restrictive as those established by State law governing similar gaming within the jurisdiction of the State within which such Indian lands are located.

2. No person or entity, other than the Tribe, shall be eligible to receive a Tribal license to own a Class III gaming operation conducted on Indian lands within the jurisdiction of the Tribe if such person or entity would not be eligible to receive a State license to conduct the same activity within the jurisdiction of the State.
3. An individually owned Class III gaming operation conducted on Indian lands within the jurisdiction of the Tribe shall apply the standards of the State, such as those with respect to purpose, entity, pot limits and hours of operation, within which such Indian lands are located.

C. Use of Gaming Revenue

Income received by the Tribe from any gaming operation licensed pursuant to this section shall be used only for the purposes described in Section 1004 of this Ordinance.

D. Licensee Payment to the Tribe

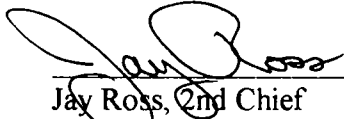
Any individually owned gaming operation licensed pursuant to this Section shall pay to the Tribe not less than 60 percent of the net revenues of such gaming operation. The Business Committee shall determine the exact percentage of net revenues to the Tribe and shall include such percentage in the license issued to such gaming operation or in an agreement entered into with the owner and operator, if different than the owner, of such gaming operation. Any individually owned gaming operation licensed pursuant to this Section shall not be subject to the gross revenues tax provided for in Section 1028 of this Code and in the tax code or to any license or other fees.

E. National Indian Gaming Commission Assessment

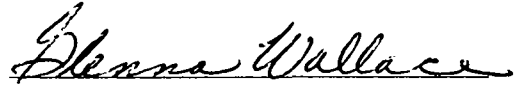
The owner of any gaming operation licensed pursuant to this Section shall pay to the National Indian Gaming Commission the assessment required by 25 C.F.R. § 514.1.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and enacted upon at the Regular meeting of the Business Committee of the Eastern Shawnee Tribe of Oklahoma, duly called and held on 06-25-96. The vote reflecting 3 for, 2 against, 0 abstaining.



Jay Ross, 2nd Chief
Eastern Shawnee Tribe of Oklahoma



Glenna Wallace, Secretary
Eastern Shawnee Tribe of Oklahoma

EXECUTIVE BRANCH

Voted: (Yes), (NO X) Date: 6-26-96 Time: 1537 hr



Nelis S. Captain, Chief
Eastern Shawnee Tribe
of Oklahoma